



What Businesses and Employers Should Do as CDC Loosens COVID-19 Mask Guidelines

Insights

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As most states lift their mask mandates, the Centers for Disease Control and Prevention (CDC) announced Friday that the agency has adopted new metrics for determining whether to recommend face coverings – a shift that will result in most Americans no longer being advised to wear masks in indoor public settings. By moving away from looking solely at the number of COVID-19 cases in a given area but instead taking into account local hospitalizations and hospital capacity, the updated metrics will create room for businesses and employers to revisit their own approaches to masking policies. What should you know about these changes before making a decision for your organization?

What Changed?

The CDC's previous guidelines recommended that fully vaccinated individuals residing in communities of substantial or "high" transmission wear a mask in indoor public settings. Given that the standards solely examined the positivity rate of COVID-19 cases in a community, roughly 95% of counties in the United States met the definition of substantial or high transmission.

The metrics used to determine whether to recommend masks will now take a more holistic view of the risk of COVID-19 to a community. The number of COVID-19 cases will still be considered, but hospitalizations and local hospital capacity will also be taken into account.

The CDC adopted "COVID-19 Community Levels" of "Low," "Medium," and "High" to help communities decide what recommendations and requirements to put in place. The CDC has provided a "[COVID-19 County Check](#)" tool to find the community level in a particular county and the prevention steps recommended for that county.

- Under the updated guidance, only those living in areas of "High" COVID-19 community levels are encouraged to wear a mask indoors in public, regardless of vaccination status. As of the CDC's announcement, only 37% of counties in the U.S. fall into this category.
- In areas designated "Medium," the CDC recommends that individuals who are immunocompromised or at high risk for severe illness should talk to their healthcare provider about whether to wear a mask or not. But all others in these areas – amounting to nearly 40% of U.S. counties – are no longer advised to wear a mask in these areas.

- In areas designated “Low,” the CDC leaves the decision of whether to wear a mask or not up to each person individually, based on personal preference and personal level of risk. 23% of counties are currently classified at the low-risk level.

Given the highly transmissible but less severe nature of the omicron variant, masks will no longer be recommended for the vast majority of Americans, including those who remain unvaccinated.

What Should Employers and Businesses Do?

The CDC’s new guidance provides important considerations for employers who have been considering rescinding their masking policies. Even though CDC guidance is not directly binding on employers, it is critically important. That’s because while OSHA has not yet expressly adopted the most recent CDC guidance, OSHA’s guidance repeatedly refers to CDC guidance.

Employers should review their local and state masking requirements and continue to comply with those requirements. For employers in areas where a mask mandate is no longer in place, they should review the CDC’s latest guidance and utilize the COVID-19 County Check tool to make an informed decision regarding their mask policy.

Employers who lift their mask mandate should make sure that employees who continue to voluntarily wear a mask do not face illegal mistreatment at the hands of supervisors or coworkers. Make sure your employees know that retaliation, discrimination, and harassment will not be tolerated, and include this prohibition in written policies distributed to all workers.

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